

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1039179TYPE
CR, UDATE OF REPORT
29-JAN-2014

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF ADMINISTRATOR, INDEPENDENT POLICE REVIEW AUTHORITY



FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
JONES, VINCENT	9182	141		113	

REFERENCE NOS. (LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 746 W. 91ST ST, CHICAGO, IL 60620	DATE / TIME: 23-AUG-2010 00:02	BEAT: 2223
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY?	SWORN ?
YANEZ, JUAN A	9161	18438		018		M / S	1973	16-MAR-1998	YES	YES
CHATYS, MARTIN	9161	17917		007	212	M / WHI	1978	27-SEP-2004	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
ALEXANDER, DANA	RANK: 9796, STAR NO: 531, EMP NO:			M / BLK	1966 / 48
JONES, VINCENT	RANK: 9182, STAR NO: 141, EMP NO:			M / BLK	1965 / 48
WHITE, LAKENYA	RANK: 9183, STAR NO:, EMP NO: 15			F / BLK	1981 / 32

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
KING, GARFIELD ROMAEL				M / BLK	26-JUN-1978 / 35
				F / BLK	1990 / 23

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
				F / BLK	1988 / 25
				M / BLK	1986 / 27

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

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ALLEGATIONS

See CLEAR and/or Report

SUMMARY

See CLEAR and/or Report

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE: 268
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FINDINGS - RECOMMENDATIONS

Accused #1: Officer Juan Yanez, #18438, Unit 018
Allegations #1-4: See Mediation Agreement

Accused #2: Officer Martin Chatys, #17917, Unit 212
Allegations #1-4: See Mediation Agreement

 #24
IPRA Supervisor

DATE INITIATED
(Date incident was received for investigation)

25-AUG-2010

DATE COMPLETED (Date of this report)

29-JAN-2014

ELAPSED TIME
(Total time expressed in days)

1253

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

 #241

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

INDEPENDENT POLICE REVIEW AUTHORITY

16 December 2013

TO: Chief Administrator
Independent Police Review Authority-IPRA

FROM: Inv. Vincent L. Jones, #141

SUBJECT: Log# 1039179
U# 10-32

REFERENCE: RD# HS-476338 – Aggravated Battery to Police Officer
RD# HS-476440 – Illinois Traffic Crash Report
RD# HS-483900 – Homicide/ Justifiable Homicide

OFFICERS

INVOLVED: #1 PROANO, Marco; Police Officer; #9477; M/H/[REDACTED]75; DOA: 30OCT06; Emp. # [REDACTED]; Unit 006; On-Duty, Beat 612, in uniform

#2 RODRIGUEZ, Fernando; Police Officer; #12986; M/H/[REDACTED]76; DOA: 28AUG06; Emp. # [REDACTED]; Unit 006; On-Duty, Beat 612, in uniform

#3 ARCHER, Steven; Police Officer; #19735; M/B/[REDACTED]73; DOA: 27MAR06; Emp. # [REDACTED]; Unit 006; On-Duty, Beat 663A, in civilian dress

#4 WEATHERLY, Bobby; Police Officer; #11400; M/B/[REDACTED]69; DOA: 29SEP03; Emp. # [REDACTED]; Unit 006; On-Duty, Beat 663A, in civilian dress

#5 JOHNSON, Ajamu-Gom; Police Officer; #11285; M/B/[REDACTED]79; DOA: 28APR03; Emp. # [REDACTED]; Unit 006; On-Duty, Beat 633R, in uniform

#6 JONES, Rodney; Police Officer; 9243; M/B/[REDACTED]69; DOA: 26JAN04; Emp. # [REDACTED]; Unit 312; On-Duty, Beat 6721B, in civilian dress

#7 MCGEE, Dwayne; Police Officer; #13791; M/B/[REDACTED]76; DOA: 27SEP04; Emp. # [REDACTED]; Unit 312; On-Duty, Beat 6721D, in civilian dress

OFFICERS'

INJURIES: #1 JONES, Rodney - fractured vertebrae in the back

#2 MCGEE, Dwayne - broken rib, fractured vertebrae in the back

#3 YANEZ, Juan - bruised right leg

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SUBJECT: #1 KING, Garfield Romel; M/B/26JUN78; IR# 1134423; [REDACTED]
[REDACTED]

#2 [REDACTED] F/B/ [REDACTED] 90; IR# 2070452; [REDACTED]
[REDACTED]

SUBJECT'S

WEAPONS: #1 Black colored Beretta 21a, 22 semi-automatic pistol, serial # [REDACTED]
Blue Steel colored Taurus, Ke44, 357 Revolver, serial # [REDACTED]

SUBJECT'S

INJURIES: #1 KING, Garfield - three gunshot wounds to the chest, one gunshot wound to the neck, one gunshot wound to the abdomen, one gunshot wound to the right arm, one gunshot wound to the back, one gunshot wound to the left forearm and one gunshot wound to the left thigh-Deceased

#2 [REDACTED] - one gunshot wound to the left thigh and one gunshot wound to the left ankle

INITIAL

INCIDENT: Aggravated Battery to a Police Officer: Other Dangerous Weapon

DATE/TIME

OF INCIDENT: 23 Aug 2010, 0009 hours

LOCATION:

746 West 91st Street

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The following allegations against Officer Juan Yanez, #18438 and Officer Martin Chatys, #17917 were sustained and adjudicated through mediation.

It is alleged that on 23 August 2010, at approximately 0002 hours, from the vicinity of 8300 S. Ingleside Avenue to the vicinity of 9100 S. Halsted Street Officer Juan Yanez:

- 1) Failed to comply with G.O. 03-02-01, Section III, A, in that he engaged in a motor vehicle pursuit when the most serious offense for which the motor vehicle was wanted was for a non-hazardous traffic offense;
- 2) Failed to comply with G.O. 03-02-01, Section III, B-3, in that he engaged in a motor vehicle pursuit while operating an unmarked department vehicle when the most serious offense was a traffic offense;
- 3) Failed to comply with G.O. 03-02-01, Section V, D, in that he, while engaged in a motor vehicle pursuit in an unmarked department vehicle, failed to withdraw as the primary pursuit vehicle and assume the role of secondary pursuit unit when a marked department vehicle became available to take over the pursuit; and
- 4) Failed to comply with G.O. 03-02-01, Section V, D-1, in that he initiated and engaged in a motor vehicle pursuit that involved only traffic offenses in an unmarked department vehicle.

It is alleged that on 23 August 2010, at approximately 0002 hours, from the vicinity of 8300 S. Ingleside Avenue to the vicinity of 9100 S. Halsted Street Officer Martin Chatys:

- 1) Failed to comply with G.O. 03-02-01, Section III, A, in that he engaged in a motor vehicle pursuit when the most serious offense for which the motor vehicle was wanted was for a non-hazardous traffic offense;
- 2) Failed to comply with G.O. 03-02-01, Section III, B-3, in that he engaged in a motor vehicle pursuit while operating an unmarked department vehicle when the most serious offense was a traffic offense;
- 3) Failed to comply with G.O. 03-02-01, Section V, D, in that he, while engaged in a motor vehicle pursuit in an unmarked department vehicle, failed to withdraw as the primary pursuit vehicle and assume the role of secondary pursuit unit when a marked department vehicle became available to take over the pursuit; and
- 4) Failed to comply with G.O. 03-02-01, Section V, D-1, in that he initiated and engaged in a motor vehicle pursuit that involved only traffic offenses in an unmarked department vehicle.

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SUMMARY OF INCIDENT:

On 23 August 2010, at approximately 0002 hours, Officer Martin Chatys, #17917 and Officer Juan Yanez, #18438 assigned to the Area Two Saturation Team, Beat #42T71 attempted to make a vehicle stop at approximately 79th & Stony Island Avenue. In the course of that traffic stop, Garfield Romel-King disregarded the officers and fled in a green colored Plymouth Breeze. During the lengthy pursuit, Mr. King made a number of stops, suggesting compliance, only to flee again after the officers exited their squad car. Mr. King also ignored and disregarded the lights and sirens of the initial squad car as well as those of the assisting vehicles which had joined the pursuit. The pursuit ended at approximately 746 West 91st Street after Mr. King crashed into an assisting tactical squad car, injuring Officer Rodney Jones and Officer Dwayne McGee, as Mr. King attempted to exit the east alley of Halsted at 91st Street. Mr. King's car burst into flames upon impact with the tactical squad car. Mr. King continued his effort to flee and defeat arrest by accelerating his vehicle both backward and forward, striking squad cars, using it as a weapon against officers now converging on the car to place Mr. King in custody. Mr. King continued to ignore responding officers' verbal commands to stop and exit the car. Mr. King's actions endangered the lives of the three occupants in his vehicle. Mr. King's vehicle struck Officer Yanez and also placed other officers in fear for their lives as Mr. King attempted to flee. At this point, responding officers discharged their weapons in defense of their lives and their fellow officers. Mr. King was shot and died from his injuries. One occupant in Mr. King's vehicle, [REDACTED], was shot in the leg as she attempted to jump out of the window. Ms. Anderson was transported to Christ Hospital for treatment. Mr. King was pulled from the burning vehicle by responding officers.

INVESTIGATION:

In an interview with the IPRA on 23 August 2010, a witness, [REDACTED] related that she was a passenger in the front seat of a car with an individual named "[REDACTED]," now known as Garfield King. A male, now known as [REDACTED], and a female, now known as [REDACTED] were passengers sitting in the rear of the car. They were on the Dan Ryan Expressway and had exited at 79th street and went east to Stony Island Avenue. They were at the light located at 79th and Stony Island when an unmarked police car pulled up and told them to pull over. Ms. [REDACTED] stated after Mr. King stopped, Mr. King, backed up the car and drove west with the police car in pursuit. Ms. [REDACTED] stated everyone in the car kept telling Mr. King to stop the car and let them out, but Mr. King refused to stop. Mr. King kept saying "Do you know my background, do you know my background?" When they got to 91st and Halsted, Mr. King drove and crashed head on into a Chicago Police car. Ms. [REDACTED] stated their car caught on fire after the crash. She was unable to get out of the front door, so she climbed into the backseat. Ms. [REDACTED] stated that Mr. [REDACTED] and Ms. [REDACTED] were able to get out of the car, but Mr. King was still in the front driver's seat. Ms. [REDACTED] stated that the police started shooting into the car while telling them to get out. Ms. [REDACTED] stated the car was engulfed with smoke and she could not see into the front seat. Ms. [REDACTED] stated that a police officer pulled her from the car and placed her on the ground until an ambulance arrived. Ms. [REDACTED] stated she was shot in the left thigh and left ankle. Ms. [REDACTED] stated that when the police were shooting she did not know what Mr. King was doing. She stated that if Mr. King had shot a gun she would have heard

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it. She stated that after she was pulled from the car she did not see Mr. King again. Ms. [REDACTED] stated she did not see any weapons in the car. (Att. #142)

In an interview with IPRA on 23 August 2010, a witness, [REDACTED], related that he flagged down Mr. King while Mr. King was driving near 92nd & Emerald. Ms. [REDACTED] was already in the car with Mr. King. He asked Mr. King if he could take him to pick up his girlfriend, Ms. [REDACTED], and bring them back to Mr. [REDACTED]' house at 88th & Halsted. After they picked up Ms. [REDACTED], Mr. King went to the liquor store at 79th & Halsted. He asked Mr. King to take them him and Ms. [REDACTED] home, which Mr. King did not do. Mr. King instead, drove to the Dan Ryan Expressway and finally to 79th & Stony Island. While they were stopped at the red light, an unmarked red "detective" car put their emergency lights on. An officer approached the passenger side of Mr. King's car, opened the door and told Mr. King to shut off the car. Mr. King asked the officer if he could pull over and the officer agreed. Mr. King then drove off and the unmarked police car followed them. Mr. [REDACTED] stated that he asked Mr. King to let them out and Mr. King replied "I got this." Mr. King drove down side streets and alleys. Mr. King eventually drove out of an alley at 91st Street and crashed into a police car. After the crash, Mr. King's car caught on fire. Mr. [REDACTED] stated that he jumped out of the car and he pulled Ms. [REDACTED] from the car. When he got out of the car the motor was racing and the car was moving. Mr. [REDACTED] stated that he laid down on the ground and the police began shooting. Mr. [REDACTED] stated he did not know where the police were shooting, but the police were not shooting at him and Ms. [REDACTED] (Att. #145)

In an interview with IPRA on 23 August 2010, a witness, [REDACTED], related that she was picked up from 94th & Eggleston by her boyfriend, Mr. [REDACTED]. Mr. King was driving and Ms. Anderson was sitting in the front passenger seat. She sat in the back seat behind Mr. King and Mr. [REDACTED] sat behind Ms. [REDACTED]. Mr. King drove to the liquor store on 79th Street and then on Lake Shore Drive to 67th & Jeffrey. Mr. King then drove to 79th & Stony Island. Ms. [REDACTED] stated that a police car driving in the opposite direction made a U-turn and got behind Mr. King's car while they were stopped at the red light. Mr. King drove through the red light and proceeded to "run" from the police. The police chased Mr. King's car and Mr. King refused to pull over. Ms. [REDACTED] stated that Mr. King did pull over near a viaduct on 79th Street but when the police officers exited their car Mr. King drove away. Mr. King continuously pulled over and drove away from the police officers. Ms. [REDACTED] stated that she along with the other passengers asked Mr. King to pull over and let them out but Mr. King replied, "I got a gun, I'm not stopping." Ms. [REDACTED] stated that she could not escape from the car because Mr. King was driving too fast. When they got in the vicinity of 87th & Halsted, Mr. King turned the corner and she observed more police cars. Mr. King then stated "Damn they on me." Ms. [REDACTED] stated that in the vicinity of 90th & Halsted, Mr. King drove on the railroad tracks and a gray colored Impala was driving behind them. Mr. King drove down an alley and there was a gray Chevy sitting at the end of the alley. Mr. King drove into the gray Chevy and the cars became stuck together. Ms. [REDACTED] stated that she lost consciousness and she heard Mr. Rodgers calling her name. Mr. Rodgers told her that the car was on fire. She woke up after Mr. Rodgers pulled her from the car, and as she crawled on the ground she heard gun shots being fired at the car. She did not know if Mr. King fired his weapon at the police. She does not know whether or not Mr. King attempted to move the vehicle after the collision. (Atts. #149-150)

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In an interview with IPRA on 23 August 2010, a witness, [REDACTED] related that he was at home at 9101 S. Halsted when he heard sirens outside. When he looked out the window he saw a green car being chased by a dark gray or black unmarked police car and other marked blue and white police cars. The green car came out of an alley on 91st Street between Emerald and Halsted and crashed into a gray unmarked police car. Mr. [REDACTED] stated the front of the green car caught on fire. He saw people get out on the passenger side of the green car. He heard the police shout "Get out, get out" and then he heard shooting. Mr. [REDACTED] stated that he saw plainclothes and uniformed officers shooting at the car, (Atts. #153-155)

The Original Case Incident Report and Arrest Report completed under RD# HS476338 indicates that the responding officers responded to the scene of a 10-1 at 746 West 91st Street. The officers observed an unmarked police vehicle that had been intentionally struck by a green Plymouth Breeze, that was ablaze, driven by Garfield Romel-King. The officers observed another unmarked police vehicle leaving the scene. Officer Juan Yanez was in the back seat and was being transported to Christ Hospital for injuries sustained during the incident when Garfield Romel-King intentionally struck Officer Yanez as he was exiting his police vehicle. Officer Rodney Jones and Officer Dwayne McGee were also intentionally struck by Mr. King's vehicle and transported to Christ Hospital for treatment. The report further indicates that [REDACTED] was taken to Christ Hospital for treatment after she sustained a gunshot wound to her left leg. While being treated at Christ Hospital, Nurse [REDACTED] recovered one clear plastic bag with three additional plastic bags containing suspect cannabis and one clear plastic bag with one tin foil packet containing suspect PCP from Ms. [REDACTED]'s right bra cup. (Atts. #4, 6)

The Illinois Traffic Crash Report completed under RD #HS476440 indicates that, while attempting to flee from the police after a traffic stop, Unit #1 (driven by Garfield King), which was traveling southbound through alleys between 90th block of Halsted and Emerald, intentionally struck Unit #2 (unmarked police vehicle with emergency equipment activated driven by Officer Rodney Jones), which was stopped at 746 West 91st Street. After the initial crash, Unit #1 then intentionally struck Unit #3 (unmarked police vehicle with emergency lights activated driven by Officer Martin Chatys) as Officer Yanez was attempting to exit the police vehicle. Officer Yanez sustained an injury to his right leg due to being pinned between the vehicles. Officer Yanez, Officer Jones and Officer McGee were all transported to Christ Hospital. (Att. #5)

Individual Tactical Response Reports and Officer's Battery Reports were completed by the following officers, with each indicating that Garfield King used a motor vehicle as a weapon in a manner that was likely to cause death or great bodily harm when he used the vehicle to intentionally strike at least one Department Member, police officers, and/or police vehicles.

- Officer Rodney Jones discharged his firearm twice in response to Mr. King's actions and Officer Jones sustained non-fatal, major injuries. (Atts. #8-9);
- Officer Steven Archer discharged his firearm eight times in response to Mr. King's actions and Officer Archer was not injured. (Atts. #10-11);
- Officer Ajamu-Gom C Johnson discharged his firearm six times in response to Mr. King's actions and Officer Johnson was not injured. (Atts. #12-13);

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- Officer Dwayne McGee discharged his firearm once in response to Mr. King's actions and Officer McGee sustained non-fatal, major injuries. (Atts. #14-15);
- Officer Marco Proano discharged his firearm five times in response to Mr. King's actions and Officer Proano sustained non-fatal, minor injuries. (Atts. #16-17);
- Officer Fernando Rodriguez discharged his firearm once in response to Mr. King's actions and Officer Rodriguez sustained no injuries. (Atts. #18-19);
- Officer Bobby Weatherly discharged his firearm seven times in response to Mr. King's actions and Officer Jones sustained no injuries. (Atts. #20-21); and
- Officer Juan Yanez was intentionally struck by the vehicle driven by Mr. King and Officer Yanez sustained non-fatal, major injuries. (Atts. #22-23).

Office of Emergency Management and Communications Records (OEMC), Chicago Police Department Event Queries and the OEMC Voice Transcriptions provided an account of the incident. At 0002:28 hours, Beat #42T71B reported that they were trying to execute a traffic stop of a Plymouth Breeze with no plates containing four occupants. Beat #42T71B indicated that the vehicle keeps pulling over and driving off. Beat #42T71B indicated that they were traveling at 35-40 miles per hour and they did not have their emergency equipment activated. At 0005:49 hours, Beat 42T71B indicated they have a blue and white squad car on scene and they are going to activate their emergency equipment. At 0009:10 hours, a 10-1 was called and at 0009:24 hours, shots fired were reported. (Atts. #77, 217)

Crime Scene Processing Reports and Evidence Technician Photographs identifies evidence recovered at the scene; shows photographs of the involved vehicles, Garfield King and Officer Yanez, a video of the scene; a hand drawn diagram of the scene; and a gunshot residue test conducted on [REDACTED] and [REDACTED] (Atts. #65-74)

The Detective Supplementary Report completed under RD #HS483900 contains an account of the incident that is consistent with the Summary of Incident and the other related Department reports. (Att. #235)

The Chicago Fire Department Incident Detail Report #102350012 indicates that the paramedics found [REDACTED] conscious and breathing with multiple gunshot wounds to her left leg. The report further indicates that Ms. [REDACTED] was transported to Christ Hospital. A second report completed under the same report number indicates that paramedics responded to treat an unknown gunshot victim but the incident was coded as handled by the police. (Atts. #111-112)

Medical Records from Christ Hospital and Medical Center indicate that [REDACTED] was treated for gunshot wounds to the left thigh and left ankle. The records also indicate Ms. Anderson was in police custody at the time she received treatment. (Att. #170)

The Postmortem Examination Report from the Cook County Office of the Medical Examiner for Garfield Romel-King classified Mr. King's death as a homicide as a result of multiple gunshot wounds. The report further indicates that Mr. King tested positive for blood ethanol. (Att. #168)

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A report from the Illinois State Police Division of Forensic Services, dated 25 February 2011, indicates that the firearms belonging to Officer Proano, Officer Jones, Officer Rodriguez, Officer McGee, Officer Johnson, Officer Weatherly and Officer Archer were examined, test fired and found to be in firing condition. The report further indicates the firearms inventoried from Garfield King were examined, test fired and found to be in firing condition. (Att. #174)

A report from the Illinois State Police Division of Forensic Services dated 29 November 2011, indicates that Garfield King may not have discharged a firearm with either hand. The report further indicates that if Garfield King did discharge a firearm, then the particles were either removed by activity, were not deposited, or were not detected by the procedure. (Att. #217)

In a statement to the IPRA on 01 June 2012, Officer Keeynan Wigley gave basically the same account of the incident as he gave in his statement to Detectives on 23 August 2010 as documented in the Detective Case Supplementary Report completed under RD #HS483900. Officer Wigley related that he was assigned to Beat #633R in uniform working with Officer Johnson. They heard about the car chase involving an outside unit over the radio. They observed the units coming through the district and they joined in on the chase. As they drove behind the Plymouth Breeze, they heard gunshots and a 10-1 call over radio. When he exited the squad car the Plymouth Breeze was moving backward and struck the squad car in front his squad car. The Plymouth Breeze was engulfed in flames and shots were being fired at the Plymouth Breeze. He drew his weapon but he did not fire any shots because he did not have a good view and he could not see what was going on inside the car. He did not recall seeing any of the passengers exit the vehicle, but he did see the driver, Garfield King, get pulled from the car by other officers. Officer Wigley stated he did see an unknown officer get pulled from the squad car that was stopped in front of his squad car. (Atts.# 242-243)

In a statement to the IPRA on 05 June 2012, Officer Dwayne McGee gave basically the same account of the incident as he gave in his statement to Detectives on 23 August 2010 as documented in the Detective Case Supplementary Report completed under RD #HS483900. However, during his interview at the IPRA, Officer McGee added additional information about the incident. Officer McGee related that he was on patrol in plainclothes working with Officer Rodney Jones in an unmarked vehicle. They were driving down Halsted Street when they heard over the radio that another unit was trying to curb a vehicle. At that point they observed the vehicle and the other units coming toward them on Halsted. He saw the cars turn onto the train tracks and then saw officers get out of the cars on foot, which led him to believe that the offender was now on foot with the officers chasing the offender. They then decided to drive to the other end of the alley. When they got to the mouth of the alley all he saw was a white light and at that point their vehicle was struck by the offender's car. Officer McGee stated the squad car air bag deployed and the car began to fill up with smoke. He then heard gunshots and thought the offender was shooting at them. He was eventually able to kick the car door open and exit the vehicle. Once he exited the vehicle he saw the offender's vehicle backing up into an unmarked squad car trying to strike an officer. Officer McGee stated that he heard the officer screaming. He knew Officer Jones was on that side of the car too and if the offender's vehicle kept backing up it could possibly strike Officer Jones. At this time, he fired his weapon once toward the car.

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He was able to locate Officer Jones who was at the rear of the offender's car. Officer McGee stated that he grabbed Officer Jones' arm and screamed for another nearby officer to grab Officer Jones' other arm. They then dragged Officer Jones away from the car. Officer McGee stated he was transported to the hospital by Beat #6729 and Officer Jones was transported to the hospital by ambulance. Officer McGee stated he sustained a fractured vertebrae and a broken rib. (Atts. #244-245)

In a statement to the IPRA on 29 May 2012, Officer Rodney Jones gave basically the same account of the incident as he gave in his statement to Detectives on 23 August 2010 as documented in the Detective Case Supplementary Report completed under RD #HS483900. However, during his interview at the IPRA, Officer Jones added additional information about the incident. Officer Jones related that he was working in civilian dress in an unmarked car with Officer Dwayne McGee. They had entered into the 022nd District and had just switched their radio to monitor the 022nd District when they heard about a car chase. They were sitting on Halsted when the car chase drove past them. Officer Jones stated that the CPD units were chasing a green Plymouth. The Plymouth turned right onto the train tracks at 91st Street and he heard someone say over the radio "He bailed," so they drove to the alley. They thought the person was on foot and would run right toward them. The car then came out of the alley and T-boned their car. He never saw the car until it struck them. The car hit their car so hard it knocked him out of his seatbelt into the seat with Officer McGee and both cars burst into flames. He was stunned and tried to get out of the car. He was finally able to get out of the car and crawl to the mouth of the alley. As he was sitting on the ground in the alley, the driver of the vehicle, Mr. King, put the car in reverse. As the car came speeding back, it pinned Officer Juan Yanez between the two cars. As he sat on the ground, he yelled, "police stop," unholstered his weapon and fired shots at the car. At this time, someone grabbed him and pulled him out of the path of the car. He was then carried to safety near Halsted Street away from the scene and later taken to the hospital by ambulance. He sustained a cracked vertebrae as a result of the car collision. (Atts. #240-241)

In a statement to the IPRA on 23 August 2010, Officer Steven Archer gave basically the same account of the incident as he gave in his statement to Detectives on 23 August 2010 as documented in the Detective Case Supplementary Report completed under RD #HS483900. However, during his interview at the IPRA, Officer Archer added additional information about the incident. He was working in plainclothes assigned to Beat #663A working with Officer Weatherly driving an unmarked squad car. They heard the call over the radio of an unmarked vehicle pursuing another vehicle in the vicinity of 83rd and Cottage Grove. The first time he saw the vehicle was when it collided with the squad car at 91st and Halsted. His squad car was directly behind the gray colored squad car that was involved in the collision. After the collision, he and Officer Weatherly exited their car and he observed a male passenger get out of the offender's car and taken into custody by unknown officers. At this time, the driver of the car accelerated, colliding into a different squad car and hitting an officer who was standing at the passenger door of his squad car. As he walked toward the front of the car, he drew his weapon and told the driver "Police stop. Get out of the car." He observed the officer that was hit by the car go down and then he observed a female passenger trying to get out of the car. The female passenger looked like she was being dragged by the car and that is when he decided to fire his

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weapon. He fired his weapon because he felt that the officer, the female and everyone else was in danger. He was the first officer to fire at the car and he fired eight shots at the car from the passenger side of the car. He stopped firing at the car because the car stopped moving. He saw Officer Weatherly fire his weapon but did not see any other officers fire their weapon. He just heard the shots. (Atts. #175-176)

In a statement to the IPRA on 23 August 2010, Officer Marco Proano gave basically the same account of the incident as he gave in his statement to Detectives on 23 August 2010 as documented in the Detective Case Supplementary Report completed under RD #HS483900. However, during his interview at the IPRA, Officer Proano added additional information about the incident. He was assigned to Beat #612 working in uniform with Officer Fernando Rodriguez. They were monitoring the radio and heard something about a possible vehicle involved in a shooting at 79th and Stony. When they got to 93rd and Halsted, they turned westbound toward Green Street and that's when he saw a vehicle matching the description given over the radio heading northbound on Green Street at a high rate of speed. They reversed their direction and drove back to Halsted Street because they thought the car was going back to Halsted. He saw the offender's car driving eastbound on the railroad tracks at approximately 90th and Halsted. They stopped the squad car around 9030 S. Halsted at which time he saw a couple of officers running down the alley so he thought that the driver had bailed from the car. They then drove toward the alley at 91st and Halsted. When they turned onto 91st street from Halsted he observed the impact between the green Plymouth and the silver colored unmarked squad car. He then exited his car to render aid to the officers in the silver unmarked squad car because the air bags had deployed. When he got to the silver squad car, the officers had already gotten out of the car. He did not want to get too close to the cars because the green Plymouth was on fire. As he approached the green Plymouth, the car started driving back and forth attempting to flee. There were a few officers standing in front of the car as it was rocking back and forth. At this time he heard "Officer down, officer down" and he opened fired on the green Plymouth. He fired five shots at the green Plymouth and after his fifth shot the car stopped moving. After the green Plymouth stopped moving he observed a female passenger waving her hands at which time some officers got her out of the car. He then walked around to the driver's side of the green Plymouth and he observed the driver slouched over. He heard the officer that was in a red unmarked squad car yell "I'm hit, I'm hit." He and Officer Rodriguez got into the red unmarked car, they pulled the injured officer inside the car and they drove the injured officer to Christ Hospital. He originally thought that the officer was shot, but the officer told them that he was not shot, but he was actually hit by the green Plymouth. (Atts. #183-184)

In a statement to the IPRA on 23 August 2010, Officer Fernando Rodriguez gave basically the same account of the incident as he gave in his statement to Detectives on 23 August 2010 as documented in the Detective Case Supplementary Report completed under RD #HS483900. However, during his interview at the IPRA, Officer Rodriguez added additional information about the incident. He was working in uniform with Officer Proano. He and Officer Proano responded to a call of a car that was refusing to stop. Officer Rodriguez stated that they heard over the radio that the car was driving on Lowe street or Green street. The first time he saw the car, the car was driving west on 92nd street going toward Green street, so they backed up and drove northbound on Halsted, at which time he saw the car get off 91st street going east to

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Halsted and then north on Halsted. The car turned and drove onto the railroad tracks, so they then turned onto 91st street and drove east and when they cleared the building at 91st and Halsted, he saw the reaction of the impact between the green Plymouth and the gray colored unmarked squad car. After the collision the two cars were stuck together. He and Officer Proano exited their car and headed towards the collision. At this time, the green Plymouth was on fire and going forwards and backwards. He originally had his taser out just in case someone in the car ran, but he holstered the taser and pulled out his firearm. He did not see an officer down because of the smoke from the burning car, but he heard someone say "Officer down." He proceeded to give verbal commands to the driver to exit the car. At this time he fired one shot and proceeded backwards to take cover. After the shooting stopped, he observed a female sticking her hands out of the back seat window. He and Officer Proano located the officer that was struck and they drove him to Christ Hospital. (Atts. #185-186)

In a statement to the IPRA on 23 August 2010, Officer Ajamu-Gom Johnson gave basically the same account of the incident as he gave in his statement to Detectives on 23 August 2010 as documented in the Detective Case Supplementary Report completed under RD #HS483900. However, during his interview at the IPRA, Officer Johnson added additional information about the incident. He was working in uniform assigned to Beat #692-Robert with Officer Keenyan Wigley. They were at 87th and Wentworth when he heard over the radio that an unmarked car was in pursuit of a car going westbound from 83rd and Ingleside. He got into the squad car at which time he saw a red colored unmarked squad car going southbound on Lafayette toward 87th street behind a green four door car. He did not hear anything over the radio from the initial squad car possibly because the initial squad car may have been on a different radio zone. He drove his squad car directly behind the red unmarked car. The green car drove on either 91st or 92nd and Green, back onto Halsted and then on the railroad tracks at approximately 90th and Halsted. The red unmarked squad car followed the green car onto the railroad tracks and they followed the red unmarked car. Their squad car got stuck briefly on the railroad tracks and both the green car and red unmarked squad car kept going. When they get into the alley near Halsted the red unmarked squad car was about a half a block in front of them, and then he heard a crash. The green car crashed into a silver colored unmarked squad car. At the end of the alley they exited their squad car and he observed a black male officer standing on the outside of the red unmarked squad car. The green car was stuck to the silver unmarked squad car and the green car was spinning its tires going back and forth dragging the silver unmarked squad car in an attempt to flee. He approached the green car and he saw a male in the driver's seat and a female in the back seat. He ordered the occupants to get out of the car and he heard other officers saying "Stop the car." He fired his weapon out of fear for his safety and the safety of other officers. He was directly behind the green car and, if the green car had gotten disconnected from the silver unmarked squad car, it would have come straight back towards him and he had no shielding from the car. He fired six shots at the green car and only stopped shooting because other officers got into his line of fire. (Atts. #179-180)

In a statement to the IPRA on 23 August 2010, Officer Bobby Weatherly gave basically the same account of the incident as he gave in his statement to Detectives on 23 August 2010 as documented in the Detective Case Supplementary Report completed under RD #HS483900. However, during his interview at the IPRA, Officer Weatherly added additional information

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about the incident. He was working in plainclothes assigned to Beat #663-Adam with Officer Steven Archer. They heard a call for assistance over the radio regarding a car chase headed westbound on 87th street. The first location given for the car was 87th and Lowe. They relocated to that area, but did not observe the car in the area. They were driving on Lowe when a second location was given for the car, 92nd and Green. After they relocated there, the third location given was northbound on Halsted. They were driving eastbound on 91st street when the tactical car driving in front of them was struck by the offender's car. After the collision, the offender's car burst into flames. He observed two people exit the rear of the car and a female passenger in the front seat tried to exit, but the driver of the offender's car was trying to get away from the scene. Officer Weatherly stated that the car was going back and forth dragging the female. At that time they exited their vehicle and yelled at the driver to stop the car. The offender's car tires were spinning because the driver kept driving back and forth. He then heard someone screaming "Officer down, officer down." He saw the offender's car hit a maroon colored unmarked car on the front passenger side door. He then fired seven shots at the driver in the offender's car. Officer Weatherly stated that, after the offender's car struck the first unit, he called a 10-1. (Atts. #181-182)

In a statement to the IPRA on 23 August 2010, Sgt. David Harris gave basically the same account of the incident as he gave in his statement to Detectives on 23 August 2010 as documented in the Detective Case Supplementary Report completed under RD #HS483900. However, during his interview at the IPRA, Sgt. Harris added additional information about the incident. He was working Beat #4222 in uniform. He was at 79th and Halsted when he heard a call over the radio about a unit pursuing a vehicle. He monitored the pursuit and proceeded southbound on Halsted. When he got to 91st and Halsted, he observed a silver colored unmarked police car traveling eastbound on 91st street that was struck by a green car traveling southbound from the alley. After the collision, the green car was on fire with heavy smoke. He parked his squad car about 30 feet from the collision and exited. As he approached the cars, he heard several officers tell the driver of the green car to stop the car because the driver was trying to flee. After he heard the officer's verbal commands, he heard a shot fired and then several other shots followed. When the shooting started he held his position and did not fire his weapon. He did not fire his weapon because there were officers between him and the green car. After the shooting stopped, a woman appeared from the rear passenger side seat of the green car. At that time he also observed an injured officer being dragged into a red colored police car. The red colored police car then sped off. He went over the air and called out "Shots fired." He also told the dispatcher that he believed that a police officer had been shot and the officer was being transferred to the hospital. He then called for the fire department because the green car was on fire.

Sgt. Harris stated that initially he was not on the same zone as the pursuit but, once he was on the same zone, the pursuing unit gave out its car speed at 35 miles per hour. (Atts. #177-178)

In a statement to the IPRA on 23 August 2010, Officer Dan Goosherst related that he was working in uniform with Officer Jeff Chevalier driving a marked squad car. They responded to an assist call from officers involved in a car chase. We they got to the vicinity of 91st and Halsted they exited their squad car. As they were exiting their squad car, he heard multiple gunshots and

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he began to move toward the offender's car. When he got near the squad car that was involved in the crash, the gunshots stopped and he noticed that the offender's car was engulfed in flames with heavy smoke coming out of the doors and windows. As he walked toward the offender's car he noticed officers giving verbal directions to a black female, who had her hands extended in the air, as she was trying to exit the rear of the offender's car. He and another unknown officer grabbed the black female and helped her out of the car. He then, with other officers, approached the driver's side of the car, at which time he observed the driver slumped over in the driver's seat. Since the other officers had their weapons drawn, he holstered his weapon, opened the front car door and he and another officer pulled the driver out of the car. The driver was unresponsive and he called for an ambulance. After the fire department examined the driver, his partner got a sheet from the fire department and placed it over the driver. (Atts. #187-188)

In a statement to the IPRA on 23 August 2010, Officer Jeff Chevalier related that he was working Beat #4221B in uniform with Officer Goosherst in a marked squad car. They monitored a pursuit call as they were leaving the 6th District. They drove to the location of 91st and Halsted. When they arrived at 91st and Halsted, he exited the car and ran eastbound on 91st Street. When he exited the car, his partner was still inside the car. As he ran eastbound on 91st Street, he heard 15-20 gunshots, but he did not see who fired the gunshots. He then took cover behind a squad car to assess what was going on. When he arrived at the scene, he observed a green colored car smoking and engulfed in flames. When he got to the green car, he observed two people inside the car, the driver and a female in the rear. After the female was removed from the rear of the car, he focused his attention on the driver. He then noticed his partner going toward the front driver's side of the car. His partner holstered his weapon and extracted the driver from the car. (Atts. #189-190)

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CONCLUSION:

This investigation found that the use of deadly force by Officer Marco Proano, Officer Fernando Rodriguez, Officer Steven Archer, Officer Bobby Weatherly, Ajamu-Gom Johnson, Officer Rodney Jones and Officer Dwayne McGee was in compliance with Department policy. According to the Chicago Police Department's General Order 02-08-03, III:

A "A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

- 1 to prevent death or great bodily harm to the sworn member or to another person, or;
- 2 to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a has committed or has attempted to commit a forcible felony which involved the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b is attempting to escape by use of a deadly weapon or;
 - c otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

The actions of Officer Marco Proano, Officer Fernando Rodriguez, Officer Steven Archer, Officer Bobby Weatherly, Officer Ajamu-Gom Johnson, Officer Rodney Jones and Officer Dwayne McGee were in accordance with the conditions set forth in the Chicago Police Department's deadly force policy. The officers fired at the car being driven by Garfield King after Mr. King's car collided with a squad car injuring Officer Rodney Jones and Officer Rodney McGee. Mr. King then attempted to flee, at which time Mr. King used his car as a deadly weapon when he drove his car into another squad car, pinning Officer Juan Yanez's leg with the door of the squad car as Officer Yanez attempted to exit the squad car.